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May 22, 2025

BY ECF

Honorable Vernon S. Broderick
United States District Court for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 518
New York, New York 10007

Re: *The Intercept Media, Inc. v. U.S. Department of Government Efficiency* (25-cv-02404) –
Letter Regarding Supplemental Authority

Dear Judge Broderick:

This firm represents Plaintiff The Intercept Media, Inc. (“The Intercept”) in the above-captioned action. The Intercept respectfully asks this Court to take notice of new case law that is relevant to the Motion to Dismiss (ECF No. 19) (the “Motion”) filed by Defendants the United States Department of Government Efficiency and United States Digital Service (“USDS”).

On May 19, 2025, the United States District Court for the District of Columbia issued an order in *United States Institute of Peace v. Kenneth Howell, et al.*, Case No. 25-cv-804 (BAH) (attached hereto as **Exhibit A**). In the decision, the court granted summary judgment in favor of plaintiffs on their claims for trespass and ejectment against USDS and other defendants, concluding that USDS personnel had “forcibly take[n] over” the Institute of Peace’s headquarters in excess of their authority. *Id.* at 2.

While Federal Rule of Appellate Procedure 28(j) provides a process for notifying an appellate court of supplemental authorities, the Federal Rules of Civil Procedure do not contain an analogous provision. However, “[i]t is fairly standard practice for parties to occasionally send letters or to otherwise file supplemental authority after briefing is complete.” *Delgado v. Ocwen Loan Servicing, LLC*, No. 13-CV-4427(NGG) (ST), 2016 WL 4617159, at *7 (E.D.N.Y. Sept. 2, 2016).

The Intercept respectfully asks that the Court take the decision under advisement in its consideration of Defendant’s pending Motion.

Thank you for your consideration.

Respectfully submitted,

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Davis Wright Tremaine LLP

/s/ Thomas R. Burke

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cc: All counsel of record (via ECF)